

**\* FORM I. BACKGROUND/LEGAL QUALIFICATIONS**

**FORM I.A. LEGAL QUALIFICATIONS.**

1. Applicant shall answer the following questions "yes" or "no." The term "Applicant" as used in the questions below refers to: the Applicant; its principals; any entity which owns or controls, is owned or controlled by, or is under common ownership with the Applicant; and any entity which is expected to control or be responsible for, through any arrangement, the management and operation of the cable system serving the County. The Applicant need not report any case or proceeding where final judgment was rendered ten years or more prior to the date this RFRP was issued. Additionally, the Applicant need not report any franchise revocation which occurred ten years or more prior to the date this RFRP was issued.

**Comcast objects to the definition of “Applicant” set forth in this question on the grounds that it is overly broad and not relevant under 47 U.S.C. 546. In the case of Comcast, this definition would literally sweep in hundreds of entities. Comcast is a known entity to the County. There is no legitimate reason to impose on Comcast the burdensome task of gathering legal qualification information on all its franchises (over twenty-one million subscribers) in support of the Reston franchise (eighteen thousand subscribers).**

**Throughout its answers in this Application, unless stated otherwise, references to “Applicant” will mean Comcast of Virginia, Inc. Without waiving its objections, Comcast answers as follows:**

- a. Is the Applicant authorized under Virginia law to operate a business, including a cable television business, in the Commonwealth? **Yes**
- b. Does the Applicant hold all federal and state licenses required for the operation of the system? **Yes**
- c. Does federal law prohibit the Applicant from holding the franchise? **No**
- d. Has the Applicant been found by a court or other entity of competent jurisdiction to have violated state or federal laws or regulations regarding, or to have engaged in acts which constitute: discrimination on the basis of race, sex or religion or any other prohibited ground; fraud; embezzlement; tax evasion; bribery; extortion; jury tampering; obstruction of justice (or other misconduct affecting public or judicial officers' performance of their official duties); false or misleading advertising; perjury; violations of laws

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\* The Memorandum on Legal Issues submitted as part of the Proposal sets forth the legal principles governing Comcast's response to this Form.

prohibiting anticompetitive conduct or unfair trade practices (including, but not limited to, violations of the Sherman Act and state consumer protection laws); or racketeering or conspiracy to commit any of the foregoing offenses? **No**

- e. Has the Applicant ever had a franchise or FCC license revoked for cause where the revoked franchise or license was not reinstated? **No**
- f. Has the Applicant ever been found by a court or other entity of competent jurisdiction to have (1) presented misleading statements, (2) engaged in fraudulent conduct or (3) otherwise violated applicable law? **No**
- g. Has any local franchising authority denied a previous request for a franchise submitted by the Applicant? **No**

2. If the answer to any of questions 1(d)-(f) is "yes," the Applicant must specifically describe the facts and circumstances concerning the acts or omissions which led to the decisions, revocation, or findings specified in questions 1(d)-(f). It shall identify with specificity each case, revocation, or finding which led the Applicant to respond affirmatively to questions 1(d)-(f). If the Applicant believes the acts or omissions described in response to 1(d)-(f) should not be considered in determining whether to grant or deny it a franchise, it shall explain in detail the basis for this contention. In reviewing the information, the County shall consider: facts and circumstances which show that the acts or omissions are unrelated to the consideration of the Applicant's willingness to operate a cable television system in accordance with lawful requirements; whether the Applicant has fully corrected all harms which flowed from the act or omission; whether the act or omission did not involve principals of the Applicant; and whether the Applicant has taken adequate steps to ensure that the act or omission will not recur. Particular weight will be given to any failure to correct harms flowing from any past misconduct.

**Not Applicable**

3. If the answer to question 1(g) is "yes," the Applicant shall state when the request for a franchise was denied and under what name the Applicant submitted the application.

**Not Applicable**